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BEFORE THE ARIZONA CORPORATE COMMISSION

COMMISSIONERS

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Arizona Corporation Commission

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APR -8 2013

AZ CORP COMMISSION  
DOCKET CONTROL

DOCKETED BY	
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IN THE MATTER OF THE APPLICATION OF  
GRANITE MOUNTAIN WATER COMPANY,  
INC. FOR APPROVAL OF A RATE INCREASE.

DOCKET NO. W-02467A-09-0333

IN THE MATTER OF THE APPLICATION OF  
GRANITE MOUNTAIN WATER COMPANY,  
INC. FOR APPROVAL OF FINANCINGS.

DOCKET NO. W-02467A-09-0334

IN THE MATTER OF THE APPLICATION OF  
GRANITE MOUNTAIN WATER COMPANY,  
INC. FOR AUTHORITY TO INCUR LONG-TERM  
DEBT.

DOCKET NO. W-02467A-10-0483

PROCEDURAL ORDER

**BY THE COMMISSION:**

At the Open Meeting of November 8, 2012, the Commission considered Granite Mountain Water Company, Inc. ("GMWC") requests for modification of Decision No. 72294 (May 4, 2011) and Decision No. 72377 (May 27, 2011).<sup>1</sup> For Decision No. 72294, issued in Docket Nos. W-02467A-09-0333 et al. ("rate case docket"), GMWC had requested to extend several compliance deadlines by 21 months and to broaden the permissible compliance actions to allow for a new production well. For Decision No. 72377, issued in Docket No. W-02467A-10-0483 ("financing docket"), GMWC had requested to increase its Water Infrastructure Finance Authority of Arizona ("WIFA") loan authorization from \$181,320 to \$196,032; to broaden the projects for which the loan proceeds could be used; and to extend compliance deadlines consistent with its extension request in the rate case docket. The Commission opened an A.R.S. § 40-252 proceeding to consider the requests and directed Staff to prepare a Staff Report.

Since that time, a Staff Report has been filed, Mr. Levie has filed responses to the Staff

<sup>1</sup> GMWC is an S corporation owned by Paul D. Levie and Rae Levie, husband and wife. (Decision No. 71869 (September 1, 2010).) Mr. Levie is a licensed Arizona attorney. (*Id.*) The requests for modification were signed by Mr. Levie as Attorney for GMWC.

Report on behalf of GMWC, a Procedural Order has been issued consolidating the rate case docket and financing docket and requiring specific filings by GMWC and Staff, and Staff has filed a Supplemental Staff Report as required by the Procedural Order as well as an Addendum concerning the service list used for the Supplemental Staff Report.

The Procedural Order issued on February 5, 2013, specifically required GMWC to ensure that a formal request for withdrawal and substitution of counsel<sup>2</sup> as to the rate case docket was filed by March 5, 2013, and that a response to the Supplemental Staff Report was filed by April 1, 2013. GMWC has not made either filing as of this date. Until GMWC makes the required filings, the Commission will not have a complete record from which to prepare a Recommended Order. Additionally, as GMWC and Mr. Levie are aware, GMWC has a duty to comply with Commission Orders, including Procedural Orders.

**IT IS THEREFORE ORDERED that GMWC shall comply with the Procedural Order of February 5, 2013.**

**IT IS FURTHER ORDERED that until such time as GMWC complies with the Procedural Order of February 5, 2013, the proceedings in this consolidated matter shall be suspended.**

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<sup>2</sup> Craig A. Marks, counsel of record for the rate case docket since February 28, 2012, appears no longer to be actively involved with GMWC's requests for modification in the rate case docket, although no request for withdrawal and substitution of counsel has been filed or granted since Decision No. 73155 (May 18, 2012).

IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 8th day of April, 2013.

  
SARAH N. HARPRING  
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 8th day of April, 2013, to:


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